

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85196

This is to certify that: **BILL COWGER**
927 GUN CLUB RD
LEWISTON, ID 83501-9789

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
85-15750	WR/LICENSE	7/7/2008	0.050 cfs	8.2 af	N/A	0.7	GROUND WATER
85-15751	WR/LICENSE	7/7/2008	0.030 cfs	4.1 af	N/A	1.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
85-15750	NO	NO	NO	YES	NO	NO
85-15751	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
85-15750	85-15750	0.050 cfs	8.2 af	N/A	0.7	N/A	N/A	N/A	N/A	N/A
85-15751	85-15751	0.030 cfs	4.1 af	N/A	1.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.080 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 22nd day of March, 2022


Adam Frederick, Water Rights Supervisor

WATER RIGHT NO. 85-15750**As Modified by Transfer No. 85196**

In accordance with the approval of Transfer No. 85196, Water Right No. 85-15750 is now described as follows:

Right Holder: BILL COWGER
927 GUN CLUB RD
LEWISTON, ID 83501-9789

Priority Date: 7/7/2008

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	5.4 af
IRRIGATION	02/15	to 11/30	0.020 cfs	2.8 af
			0.050 cfs	8.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (NWNW)	Sec 4 Twp 35N Rge 05W NEZ PERCE County
GROUND WATER	L4 (NWNW)	Sec 4 Twp 35N Rge 05W NEZ PERCE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	4						X											
								L 4											

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	4					0.1	0.6											0.7
							L 3	L 4											

POU Total Acres: 0.7

CONDITIONS OF APPROVAL

- The diversion and use of water described in 85-15750 & 85-15751 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

Transfer No. 85196

WATER RIGHT NO. 85-15750
As Modified by Transfer No. 85196

CONDITIONS OF APPROVAL

2. The shallow well shall only be used for domestic use for 9 homes as an emergency source in the event well D0005641 becomes non-operable.
3. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 2.8 afa for irrigation of the lands above.
4. Domestic use is for 9 homes. Irrigation of lawn, garden and landscaping associated with 4 homes is authorized under the irrigation component of this right. The 4 homes are specifically located at 927 Gun Club Rd., and Cowger Additions 6-8.
5. Irrigation of lawn, garden and landscaping associated with the 5 remaining homes is authorized under right 85-15751.
6. The following rights are diverted through point(s) of diversion described above: 85-15750 and 85-15751.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. This right authorizes the diversion of ground water within the Lewiston Plateau Ground Water Management Area (LPGWMA). Use of water under this right shall be subject to the provisions of the LPGWMA management plan approved by the director, including its conservation and protection goals.
10. When notified by the Department, the right holder shall record the quantity of water diverted and annually report the monthly diversion volume of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701, and/or the management plan for the Lewiston Plateau Ground Water Management Area.
11. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 85-15751**As Modified by Transfer No. 85196**

In accordance with the approval of Transfer No. 85196, Water Right No. 85-15751 is now described as follows:

Right Holder: BILL COWGER
927 GUN CLUB RD
LEWISTON, ID 83501-9789

Priority Date: 7/7/2008

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.010 cfs	0.1 af
IRRIGATION	02/15	to 11/30	0.030 cfs	4.0 af
			0.030 cfs	4.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (NWNW)	Sec 4	Twp 35N Rge 05W NEZ PERCE County
GROUND WATER	L4 (NWNW)	Sec 4	Twp 35N Rge 05W NEZ PERCE County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	4						X											
								L 4											

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	4						1.0											1.0
								L 4											

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. The diversion and use of water described in 85-15750 & 85-15751 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

Transfer No. 85196

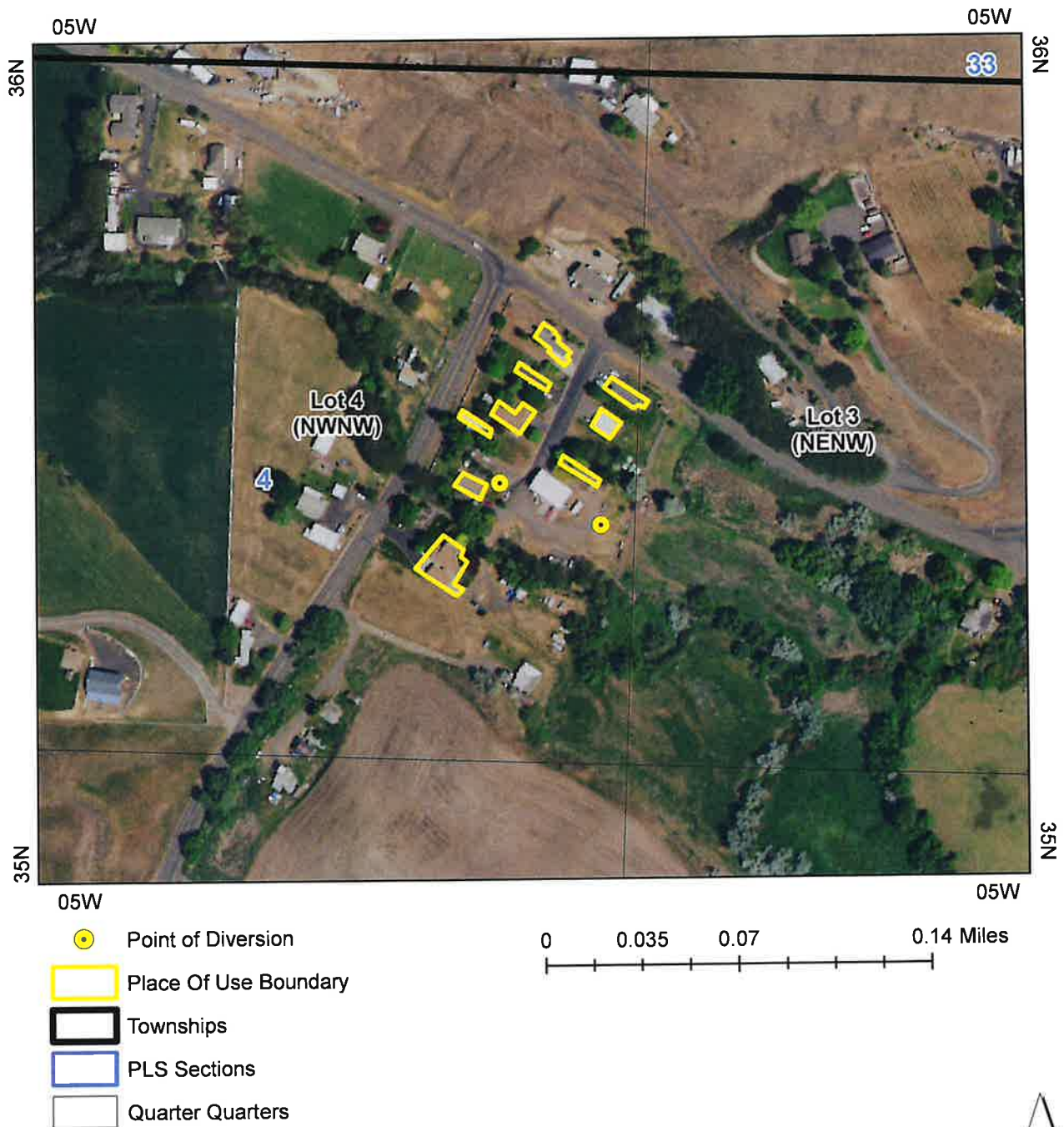
WATER RIGHT NO. 85-15751
As Modified by Transfer No. 85196

CONDITIONS OF APPROVAL

2. The shallow well shall only be used for domestic use for 9 homes as an emergency source in the event well D0005641 becomes non-operable.
3. Domestic use is for 1 shop.
4. Place of use for the irrigation component is located within Cowger Additions 1-5.
5. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 4.0 afa for irrigation of the lands above.
6. The following rights are diverted through point(s) of diversion described above: 85-15750 and 85-15751.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. This right authorizes the diversion of ground water within the Lewiston Plateau Ground Water Management Area (LPGWMA). Use of water under this right shall be subject to the provisions of the LPGWMA management plan approved by the director, including its conservation and protection goals.
10. When notified by the Department, the right holder shall record the quantity of water diverted and annually report the monthly diversion volume of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701, and/or the management plan for the Lewiston Plateau Ground Water Management Area.
11. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources
Attachment to Transfer # 85196
Rights 85-15750 and 85-15751

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.





IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 22, 2022

BILL COWGER
927 GUN CLUB RD
LEWISTON ID 83501-9789

Re: Transfer No: 85196
Water Right No(s): 85-15750, 85-15751
Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact the Northern Region Office at (208) 762-2800.

Sincerely,



Adam Frederick
Water Rights Supervisor

Enclosure
CC:

GINA SCHAEFER
907 LARCH LANE
LEWISTON ID 83501

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85196
Water Right No(s): 85-15750, 85-15751

BILL COWGER
927 GUN CLUB RD
LEWISTON ID 83501-9789

GINA SCHAEFER
907 LARCH LANE
LEWISTON ID 83501



Tammy Alleman
Administrative Asssitant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Memorandum

To: Adam Fredrick, Water Rights Supervisor
From: Daniel Sturgis, Technical Hydrogeologist
Date: March 21, 2022
Re: Cowger Water Right Transfer Application Assessment

Bill Cowger (Applicant) has applied for a water right transfer which includes two wells at his property. One well is 295 feet deep and completed in the Wanapum Basalt and the other well is 65 feet deep and completed in the Quaternary sediments in the Lindsay Creek drainage. The shallow well is planned to be used as a backup well to supply water to the residents in case the deeper well becomes inoperable. The transfer is to change the use of Well 2 and does not include moving the point of diversion.

As required by groundwater management plan for the Lewiston Plateau, a water right transfer more than one-quarter of a mile in the groundwater management area may be approved only after it has been determined there is a sufficient water supply and other water rights will not be injured. Since the point of diversion is not being relocated, the requirements in the groundwater management plan are not applicable.

IDWR does not have any groundwater level monitoring data from wells located in the sediments in this area. However, IDWR has not received complaints of water level decline or production issues at wells completed in the sediments in this area. At this time there appears to be sufficient water to accommodate the water right transfer as conditioned and stated in the Withdrawal of Protest form.

MEMORANDUM

Date: March 10, 2022
To: Transfer 85196
From: Luke Bates 
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
3/10/2022

Authority to File:

The applicant submitted an acceptable transfer application. The applicant is listed as the current owner of the water right(s) covered under this transfer.

Water Right Validity:

Water right(s) 85-15750 & 85-15751 are valid active license(s).

Injury to Other Water Rights:

Injury is not anticipated.

Enlargement of Use:

None.

Local Public interest:

This transfer was protested, and protestant has withdrawn their protest contingent on added conditions of approval limiting the shallow well drilled in the 70s to emergency domestic use for 9 homes in the event well D0005641 becomes non-operable. Condition 020 was added to the transfer due to additional conditional requirements for withdrawal as stipulated by the protestant.

Beneficial Use/Conservation of Water Resources:

Proposed use is recognized as a beneficial use of water.

Effect on Economy the Local Area:

Addition of POD due to applicant interconnecting two wells in a common water system will provide a secondary emergency water source for the Cowger Addition Mobile Home Park. As both wells are existing and being used there is no added impact to the local area.

Effect on Agricultural Base of the Local Area:

None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.